Applicant : Lawrence W. Yonge III et al.          Attorney's Docket No.: 04838-077001
Serial No. : 10/720,742
Filed     : November 24, 2003
Page    : 13 of 17

## REMARKS

### Telephone Interview

Applicant's representatives Elliott Mason and Roger Lee thank the Examiner for the telephone interview on June 13, 2005. Claims 1 and 57 were discussed with respect to the cited reference Yi (U.S. 2002/0001314). Applicant's representatives suggested language to clarify the subject matter of claim 1, and asked for clarification of the rejection of claim 57. The Examiner indicated he would consider the suggested language, and provided further explanation of the rejection of claim 57. Applicant's representative agreed to formally present an amendment to claim 1 in the present reply, and to consider the Examiners remarks with respect to claim 57.

### Claim Objections

The Examiner has objected to claims 24 and 53 due to informalities. Applicant has amended these claims as suggested by the Examiner.

### 35 U.S.C. 112 Rejections

The Examiner has rejected claim 16 under 35 U.S.C. 112, second paragraph as indefinite. Applicant submits that the term "substantially" in amended claim 16 is definite in view of the general guidelines contained in the specification. (See, e.g., MPEP 2173.05(b) D.)

### Prior Art Rejections

The examiner has rejected claims 1 – 3, 12, 57 – 60, and 65 – 67 under 35 U.S.C. 102(b) as anticipated by Yi (U.S. 2002/0001314). The Examiner has rejected claims 4 – 8, 17 – 19, 28 – 36, 44 – 46, 61 – 64, and 68 under 35 U.S.C. 103(a) as unpatentable over Yi in view of Rosengard (U.S. 2005/0063402). The Examiner has rejected claims 9 – 11, 49 – 56, and 68 under 35 U.S.C. 103(a) as unpatentable over Yi in view of Rakib (U.S. 2002/0015423). The Examiner has rejected claims 14 – 16 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Gibson (U.S. 6,445,717). The Examiner has rejected claims 20 – 27 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Del Prado Pavon (U.S.

2004/0047351). The Examiner has rejected claim 37 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Jiang (U.S. 6,765,885). The Examiner has rejected claims 38 – 40 under 35 U.S.C. 103(a) as unpatentable over Yi and Jiang in view of Henson (U.S. 2002/0131591). The Examiner has rejected claims 13, 41 – 43, and 47 – 48 under 35 U.S.C. 103(a) as unpatentable over Yi and Rosengard in view of Rakib

*Claims 1 – 56, and 65 – 68*

Yi does not disclose at least "dividing the encapsulated content into a plurality of pieces … at least some of the low level data units each containing a plurality of the pieces," as recited by amended independent claims 1 and 49.

The Examiner identifies (on page 2 of the Office Action) the description in Yi of "producing a payload unit by segmenting and/or concatenating one or more service data units received from a higher layer, generating a first PDU which includes a sequence number corresponding to the payload unit and a second PDU which includes the payload unit, and transmitting the first and second PDUs to a lower layer" (paragraph [0014]) as disclosing the recited "dividing the encapsulated content into a plurality of pieces."

Assuming, for the sake of argument, that this interpretation is correct, Yi goes on to teach that each of the first and second PDU, or each "piece," is contained in a different corresponding transport block. For example, Yi describes that "the MAC layer … produces a transport block (TB) for each PDU" in paragraph [0029], reproduced below in context (paragraphs [0028] and [0029] lines 1 – 9):

> [0028] The SN PDU and the LI+PU PDU get transmitted to a MAC layer through a pair of different logical channels. When a predetermined time period is elapsed after a SN PDU is transmitted through a specific logical channel, the corresponding LI+PU PDU is transmitted through another logical channel. A switching function is used in the logical channel in order to send both PDUs in different channels. For example, in order to continuously keep switching between a channel #1 and channel #2 for transmitting the SN PDU and the LI+PU PDU, respectively, the RLC layer must have a logical channel function.
> [0029] The MAC layer considers both transmitted PDUs as a single data unit and produces a transport block (TB) for each PDU after attaching a MAC header if necessary (optional). Each TB represents a MAC PDU. Similarly, the TBs

produced get transmitted to a physical layer through a pair of different transport channels, so the MAC layer needs to have a transport channel switching function similar to the logical channel switching function used in the logical channel.

One of ordinary skill in the art would not have been motivated to modify Yi's teaching and combine multiple PDUs in the same transport block, since that would go against Yi's teaching that the "the SN PDU and the LI+PU PDU get transmitted to a MAC layer through a pair of different logical channels," and that "TBs produced get transmitted to a physical layer through a pair of different transport channels."

Thus, when the Examiner asserts (page 3 of the Office Action) that

... transmitting said first and second PDUs to a lower layer' is interpreted as 'supplying low level data units containing a plurality' ... Thus, 'the first and second PDU of the one or more service data units' is interpreted as a 'plurality of the plurality of pieces'

the only way that Yi can be interpreted as teaching "supplying low level data units containing a plurality of the plurality of pieces" (as recited in the unamended claim 1) is if the low level data units each individually contain a single piece, and collectively contain a plurality of pieces. However, Yi does not teach or even suggest "at least some of the low level data units each containing a plurality of the pieces."

Thus, Applicant respectfully submits that amended claims 1 and 49 are allowable.

Claims 2 – 48, 50 – 56, and 65 – 68 are all properly dependent on either claim 1 or claim 49, and are thus allowable therewith. Each of these dependent claims adds one or more further limitations, but those limitations are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting the dependent claims.

*Claims 57 – 64*

Yi does not disclose at least "dividing the encapsulated content into a plurality of sub-blocks, forming a plurality of pieces, with each piece including one or more sub-blocks, ... and supplying low level data units, at least some of the low level data units each containing a

plurality of the pieces," as recited by amended independent claim 57.   For similar reasons as discussed above, one of ordinary skill in the art would have been motivated to modify the teachings of Yi so that "at least some of the low level data units each [contains] a plurality of the pieces." Thus, amended claim 57 is allowable.

Claims 58 – 64 are all properly dependent on claim 57, and are thus allowable therewith. Each of these dependent claims adds one or more further limitations, but those limitations are not presently relied upon to establish patentability.  For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting these dependent claims.

## Conclusion

In view of the above, we ask that claims 1 – 68 be allowed.

It is believed that all of the pending claims have been addressed.  However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment.  In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.  Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

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Page  : 17 of 17

Enclosed is a $120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney's Docket No. 04838-077001.

Respectfully submitted,

Date: 6-21-06

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